

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
December 10, 2014

SPECIAL MEETING

Darien Town Hall – Rooms 206 and 213 – 7:01 to 7:30 PM

ZBA members present: Chuck Deluca, Vic Capellupo, Ruth Anne Ramsey, Mike Nedder and Rich Wood

Staff Present: Code Compliance Officer Robert Woodside and Town Counsel John Louizos

Upon a motion by Vic Capellupo in room 206, seconded by Rich Wood, the ZBA voted 5-0 to go into a Special Meeting Executive Session in room 213 in order to discuss the proposed settlement of pending litigation. The proposed terms of a settlement of PR Partnership, LLC dba Giovanni's – Water's Edge appeal of ZBA approval of Calendar No. 32-2014 were reviewed. Upon a motion by Chuck Deluca, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to go out of Executive Session.

REGULAR MEETING

Darien Town Hall - Room 206 – 7:45 to 9:50 PM

ZBA members present: Chuck Deluca, Vic Capellupo, Rich Wood, Ruth Anne Ramsey and Mike Nedder

Staff Present: Code Compliance Officer Robert Woodside, Town Counsel John Louizos, and Recorder Judy Fazekas

OPENING

ZBA Chair Chuck Deluca opened the meeting at 7:45 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

OTHER BUSINESS

Upon a motion by Ruth Anne Ramsey, seconded by Vic Capellupo, based on the reviewed settlement terms, the ZBA voted 5-0 to authorize Town Counsel John Louizos to settle the pending litigation of PR Partnership, LLC dba Giovanni's – Water's Edge

appeal of ZBA approval of Calendar No. 32-2014. Ruth Anne Ramsey, Vic Capellupo, Chuck Deluca, Rich Wood and Mike Nedder voted in favor of the motion.

POSTPONEMENTS AND CONTINUATIONS

Mr. Deluca announced that the Public Hearing of Calendar No. 38-2014, the appeal of Eileen & John Raleigh regarding the property of Douglas & Cameron Sokolik, 10 Hillcrest Avenue, is re-opened and immediately re-continued without testimony to January 14, 2015, at the applicant's request.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 57-2014 - the application of Sandi Leamon and RGLA Solutions, Inc. on behalf of The Orvis Company, tenant, and Equity One Inc. for an amendment of the previously approved plans of ZBA Calendar No. 84-1997 and variances of Section 924 of the Darien Zoning Regulations; to allow the installation of a wall sign; Section 924: 56.0 in lieu of 19.68 maximum allowable square footage for sign panel; 17 inch in lieu of 10 inch maximum letters height; and L.E.D. internal illumination where that is not permitted. The subject property is located on the southeast corner of the intersection of Boston Post Road and Old King's Highway North and is shown on Assessor's Map #35 as Lot #1, being 432 Boston Post Road and located in an DB-2 (Designed Business Two - commercial) Zone.

Architect Sandi Leamon and Jack Rosencrantz, representative from Equity One, answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 58-2014 - the application of John Gallagher on behalf of Meredith Re submitted on November 12, 2014 for an interpretation of Section 385 and variances of Sections 334 and 906 of the Darien Zoning Regulations; to allow the construction of a two story replacement house with front yard parking; Section 385: a determination that the subject lot is a legal nonconforming building lot and can be properly developed with adequate related site improvements; Section 334: construction of a portion of the building lot with 51.0 in lieu of 60.0 feet minimum required lot width; and Section 906.3: installation of one of the two required parking spaces within the Raymond Heights

front yard setback space. The property is situated on the east side of Raymond Heights approximately 315 feet north of the intersection of Raymond Street and is shown on Assessor's Map #36 as Lot #126-1, being 18 Raymond Heights and located in an R-1/5 (residential) Zone.

Meredith Re and John Gallagher answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Mr. Deluca noted that a letter was submitted from the Grefes, an adjacent neighbor, with objections to parts of the application. Lilian Palmer of 17 Raymond Heights spoke in support of the project. The Public Hearing was then closed.

CALENDAR NO. 59-2014 - the application of Jeffrey W. McDougal and Williams W. Seymour & Assoc., P.C. on behalf of Steven K. & Lisa B. Eppley submitted on November 12, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a replacement pool and spa; Section 406: 34.5 in lieu of 40.0 feet minimum required rear yard setback. The subject property is situated on the west side of Contentment Island Road approximately 260 feet south of the intersection with Tokeneke Beach Drive and is shown on Assessor's Map #67 as Lot #64, being 6 Contentment Island Road and located in an R-1 (residential) Zone.

Surveyor Jeff McDougal answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 60-2014 - the application of Wilder G. Gleason, Esq. and Gleason & Associates on behalf of T. G. Diners, LLC, tenant and Gruss/Lesser Properties LLC submitted on November 17, 2014 for variances of Sections 675, 226, 903 and 908 of the Darien Zoning Regulations; to allow the construction of one and one half story additions and the installation of a cooler/freezer unit; Section 675: 21.6 in lieu of 30.0 feet minimum required front yard setback; and Sections 226, 903.3 and 908e: 21.0 in lieu of 24.0 feet minimum required parking backup and driveway aisle. The subject property is situated on the northwest side of the Boston Post Road approximately 220 feet northeast of the intersection with Birch Road and is shown on Assessor's Map 13 as Lot #3, being 275 Boston Post Road and located in an SB-E (Service Business East - commercial) Zone and an R-1/2 (residential) Zone.

Attorney Wilder Gleason and Ted Giapoutzis, business owner, answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

DELIBERATIONS AND DECISIONS

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 57-2014 - The application of Sandi Leamon and RGLA Solutions, Inc. on behalf of The Orvis Company, tenant, and Equity One Inc., 432 Boston Post Road. Upon a motion by Mike Nedder, seconded by Rich Wood, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested amendment and variances.

CALENDAR NO. 58-2014 - The application of John Gallagher on behalf of Meredith Re, 18 Raymond Heights. Upon a motion by Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested interpretation and variances.

CALENDAR NO. 59-2014 - The application of Jeffrey W. McDougal and Williams W. Seymour & Assoc., P.C. on behalf of Steven K. & Lisa B. Eppley, 6 Contentment Island Road. Upon a motion by Ruth Anne Ramsey, seconded by Rich Wood, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

CALENDAR NO. 60-2014 - The application of Wilder G. Gleason, Esq. and Gleason & Associates on behalf of T. G. Diners, LLC, tenant and Gruss/Lesser Properties LLC, 275 Boston Post Road. Upon a motion by Rich Wood, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Approval of Minutes of meeting on October 22, 2014. ZBA members attending this meeting were Chuck Deluca, Jeff Williams, Vic Capellupo, Gary Greene, and Mike Nedder.

Upon a motion by Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 3-0 to APPROVE the subject minutes. Chuck Deluca, Vic Capellupo and Mike Nedder voted in favor of the motion. Jeff Williams and Gary Greene previously indicated their approval.

Approval of Minutes of meeting on November 4, 2014. ZBA members attending this meeting were Chuck Deluca, Jeff Williams, Vic Capellupo, Mike Nedder, and Rich Wood.

Upon a motion by Chuck Deluca, seconded by Mike Nedder, the ZBA voted 4-0 to APPROVE the subject minutes. Chuck Deluca, Mike Nedder, Vic Capellupo and Rich Wood voted in favor of the motion. Jeff Williams previously indicated his approval.

Approval of Minutes of meeting on November 12, 2014 regarding Calendar No. 23-2014, Douglas & Cameron Sokolik, 10 Hillcrest Avenue. ZBA members attending this meeting were Jeff Williams, Vic Capellupo, Mike Nedder, Rich Wood, and Kevin Fullington.

Upon a motion by Vic Capellupo, seconded by Mike Nedder, the ZBA voted 3-0 to APPROVE the subject minutes. Vic Capellupo, Mike Nedder and Rich Wood voted in favor of the motion. Jeff Williams previously indicated his approval.

Discussion of Planning and Zoning Commission update of the Plan of Conservation and Development.

The Board discussed the Town Plan update and asked that Staff send prior Zoning Regulation suggestions to all members to be reviewed at the January 14, 2015 meeting.

ADDITIONAL OTHER BUSINESS

Upon a motion by Chuck Deluca, seconded by Mike Nedder, the ZBA voted 5-0 to add to the agenda the following item:

Requested modification of the approved plans, received December 10, 2014, for ZBA Calendar No. 55-2014, David Ingraham, 33 Casement Street. The ZBA made some determinations regarding the project.

ADJOURNMENT

The meeting was adjourned at 9:50 PM.

These Meeting Minutes,
Respectfully submitted December 18, 2014,
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Chuck Deluca, seconded by Vic Capellupo, approved by a vote of 3-0 at the ZBA meeting on February 11, 2015. Chuck Deluca, Vic Capellupo and Mike Nedder voted in favor of the motion.

ZBA/12.10.2014MtgMin